

**Defendant's Exhibit A**  
**(Annotated Chart of Plaintiff's Invoices)**

The Secretary provides this annotated chart of plaintiff's claimed hours to assist the Court with its review of plaintiff's billing records. As discussed in the Secretary's brief, the Court should limit plaintiff's fees to: (a) the initial work necessary to bring this case—highlighted in yellow below, and (b) 10% of the case management work conducted after that initial confession of error—highlighted in blue below—given that the vast majority of plaintiff's work after the Secretary's initial confession focused on her efforts to obtain rulings on CMS-1682-R and collateral estoppel, her unreasonable protraction of the litigation, and the results ultimately obtained.

**1. Attorney's Fees Billed by Parrish Law Offices (ECF No. 66-2 at 28–47)**

Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
11/17/2017	"Follow up with Lambert and Council re L. Smith remanded case"	1.00	Work at the agency level, not compensable under EAJA	0		
11/20/2017	"Revision of reconsideration for L. Smith"	0.25	Additionally, some of these entries contain insufficient descriptions to understand or assess the tasks, or even to determine a nexus to the agency proceedings below			
02/08/2018	"Linda Smith appeals"	1.25				
03/19/2018	"Hearing for Linda Smith with Judge Woodyard"	0.75				
03/29/2018	"Telephone conference L. Smith; review of ABN and email for her to send to Medtronic; email response to Linda Ostrow"	0.50				
05/15/2018	"Linda Smith emails re supplies"	0.25				
06/08/2018	"ALJ request and emails re same; telephone conference re mom in Colorado"	0.75				
06/18/2018	"Emails Linda Smith re appeals"	0.33333				
06/28/2018	"Requested LS participation in Judge Sardinias hearing (18-01); called OMHA about DOS on NOH and s/w Sonia (x2)."	0.16667				
07/23/2018	"Linda Smith appeals"	0.75				

Date	PI's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
08/20/2018	"Telephone conference and Emails re extension."	0.25	Work at the agency level, not compensable under EAJA  Additionally, some of these entries contain insufficient descriptions to understand or assess the tasks, or even to determine a nexus to the agency proceedings below			
11/20/2018	"PHB for combined case."	0.50				
11/21/2018	"attn to settlement agreement"	0.50				
12/11/2018	"hearing with ALJ, prep for same, t/c Linda Smith"	2.40				
12/18/2019	"revise/review memo re: CMS 1682R and Medtronic devices"	3.60				
2/19/2019	"attended hearing with ALJ, t/c Linda Smith re: same, t/c Debbie Parrish re: same"	2.20				
03/01/2021	"research re complaint"	2.40		2.40	\$229.77	\$551.45
03/12/2021	"t/c Phillip Lear re: local counsel, attention to filing complaint"	1.20	"Attention to filing complaint" is clerical work, not compensable under EAJA, and the number of hours should be reduced	0.80	\$229.77	\$183.82
03/20/2021	"revise/review memo re: case status, revise/review complaint documents"	2.40		2.40	\$229.77	\$551.45
03/27/2021	"revise/review complaint"	2.60		2.60	\$229.77	\$597.40
03/28/2021	"revise/review complaint"	0.60		0.60	\$229.77	\$137.86
03/30/2021	"revise/review memo re: filing"	1.10		1.10	\$229.77	\$252.75
04/01/2021	"revise/review complaint"	0.80		0.80	\$229.77	\$183.82
04/06/2021	"revise/review summons"	1.10		1.10	\$229.77	\$252.75
04/19/2021	"attn to service"	0.40	Clerical task, not compensable under EAJA	0		
04/26/2021	"attn to service"	0.30	Clerical task, not compensable under EAJA	0		
06/07/2021 - Secretary files ECF 10, confessing error, and proposing judgment in plaintiff's favor						

Date	PI's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
06/07/2021	"reviewing pleadings, t/c Lear re: same, research re: same"	1.20		0.12	\$229.77	\$27.58
06/08/2021	"revise/review memo re: filing"	0.90	Insufficient description to understand or assess this task, or even to determine nexus to this case	0		
06/15/2021	"attn to magistrate consent form"	0.90	Clerical task, not compensable under EAJA	0		
06/17/2021	"revise/review memo re: production/schedule"	0.80		0.08	\$229.77	\$18.38
06/18/2021	"revise/review proposed schedule"	2.30		0.23	\$229.77	\$52.85
06/21/2021	"attn to proposed schedule"	0.90		0.09	\$229.77	\$20.68
06/22/2021	"revise/review memo re: case status/strategy"	1.40		0.14	\$229.77	\$32.17
06/24/2021	"revise/review response to court order"	2.60		0.26	\$229.77	\$59.74
06/28/2021	"reviewing pleadings, research re: same, revise/review memo re: same, reviewing production, revise/review objection"	3.60		0.36	\$229.77	\$82.72
07/12/2021	"t/c Linda, revise/review memo re: case status, additional claims"	1.20		0.12	\$229.77	\$27.57
07/22/2021	"revise/review memo re: case status"	0.40		0.04	\$229.77	\$9.19
08/02/2021	"revise/review memo re: additional denials"	0.90	Insufficient description to understand or assess this task, or even to determine nexus to this case	0		
08/09/2021	"t/c Phillip Lear - prep for hearing"	1.40	Atty Lear's invoice indicates that the zoom call was only .9 hours	0.09	\$229.77	\$20.68
08/10/2021	"prep for and attend case management conference"	2.70		0.27	\$229.77	\$62.04

Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
08/11/2021	"attn to appeals, revise/review memo re: same"	0.40	No apparent connection to this case, as nothing was being appealed in this litigation at that time.	0		
08/25/2021	"revise/review motion re: answer"	2.70	Hours not reasonably expended. Pertains to a motion to amend the schedule, ECF 25, which the Secretary observed at the time was filed in an apparent attempt to ensure that the Secretary's time to amend the Answer as of right had expired in advance of plaintiff's raising detailed objections to the Answer. <i>See</i> ECF 26. The Court denied the motion as moot on October 11, 2021.	0		
08/27/2021	"revise/review motion re: answer"	2.60		0		
08/31/2021	"revise/review reply re: answer"	2.10		0		
09/01/2021	revise/review reply re: scheduling	2.10		0		
09/02/2021	"revise/review reply re: scheduling"	3.40		0		
09/05/2021	"revise/review MSJ re: CMS 1682-R, revise/review MSJ re: collateral estoppel"	3.60	Work on unsuccessful claim(s) for relief	0		
09/06/2021	"revise/review MSJ re: CMS 1682-R, revise/review MSJ re: collateral estoppel"	6.50	Work on unsuccessful claim(s) for relief	0		
09/07/2021	"revise/review MSJ re: CMS 1682-R. revise/review MSJ re: collateral estoppel"	11.40	Work on unsuccessful claim(s) for relief	0		
09/10/2021	"revise/review Rule 11 motion"	2.40	Hours not reasonably expended – motion never filed, and any Rule 11 motion would have been unwarranted in any event	0		
09/13/2021	"revise/review Rule 11 motion"	2.10	Hours not reasonably expended – motion never filed, and any Rule 11 motion would have been unwarranted in any event	0		

Date	PI's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
09/14/2021	"revise/review Rule 11 motion"	2.30	Hours not reasonably expended – motion never filed, and any Rule 11 motion would have been unwarranted in any event	0		
09/21/2021	"reviewing opposition to motions for summary judgement, research re: same"	1.40	Work on unsuccessful claim(s) for relief	0		
09/22/2021	"revise/review reply re: summary judgements"	3.70	Work on unsuccessful claim(s) for relief	0		
09/23/2021	"revise/review reply re: summary judgements"	4.10	Work on unsuccessful claim(s) for relief	0		
09/24/2021	"revise/review reply re: summary judgements"	5.20	Work on unsuccessful claim(s) for relief	0		
09/28/2021	"reviewing court orders, revise/review memo re: same, t/c Phil Lear re: same"	1.10		0.11	\$229.77	\$25.27
10/03/2021	"revise/review reply re: collateral estoppel/CMS 1682"	3.70	Work on unsuccessful claim(s) for relief	0		
10/04/2021	"revise/review reply re: collateral estoppel/CMS 1682"	6.40	Work on unsuccessful claim(s) for relief	0		
10/04/2021	"Revision of papers."	1.50	Work on unsuccessful claim(s) for relief	0		
10/05/2021	"Edits to filing."	0.75	Work on unsuccessful claim(s) for relief	0		
10/05/2021	"revise/review reply re: collateral estoppel/CMS 1682"	6.10	Work on unsuccessful claim(s) for relief	0		
10/18/2021	"attn to revise/review filing regarding scheduling"	3.40		0.34	\$229.77	\$78.12
10/26/2021	"revise/review opposition to cross- motion re: CMS 1682-R"	3.70	Work on unsuccessful claim(s) for relief	0		
01/04/2022	"revise/review motion for status, t/c opposing counsel"	1.50		0.15	\$238.73	\$35.81

Date	PI's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
01/05/2022	"revise/review motion for status"	1.10		0.11	\$238.73	\$26.26
01/07/2022	"revise/review memos re: status conference"	0.50		0.05	\$238.73	\$11.94
01/07/2022 - Secretary files ECF 51, renewing confession of error, and proposing judgment in plaintiff's favor						
01/08/2022	"reviewing opp to motion for status conference"	0.80		0.08	\$238.73	\$19.10
01/16/2022	"t/c plaintiffs in all cases re: global settlement"	1.50	Insufficient descriptions to understand or assess the tasks. Appears related to pending class action, <i>Lewis v. Becerra</i> , 18cv2929 (D.D.C.)	0		
01/18/2022	"conf with plaintiffs in all cases re: settlement"	0.50	Insufficient descriptions to understand or assess the tasks. Appears related to pending class action, <i>Lewis v. Becerra</i> , 18cv2929 (D.D.C.)	0		
01/19/2022 – Court remands case to the Secretary with directions to pay plaintiff's three Medicare reimbursement claims, denies pending summary judgment motions as moot, and enters judgment. ECF 51; ECF 52.						
01/27/2022	"t/c Stanley re: motion to alter/amend, revise/review same"	6.20	Work on unsuccessful claim(s) for relief	0		
01/28/2022	"revise/review motion to alter/amend"	2.40	Work on unsuccessful claim(s) for relief	0		
01/31/2022	"revise/review motion to alter/amend, t/c Stanley re: same"	5.40	Work on unsuccessful claim(s) for relief	0		
02/23/2022	"attn to ALJ appeal, revise/review motion to alter/amend"	4.60	No apparent nexus to this case			
02/24/2022	"revise/review motion to alter/amend"	2.40	Work on unsuccessful claim(s) for relief	0		
02/08/2022	"reviewing denial of motion to alter/amend"	1.10	Work on unsuccessful claim(s) for relief	0		

Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
02/21/2022	"attn to notice of appeal"	1.40	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit	0		
02/23/2022	"attention to appeal filing"	0.80	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit	0		
02/24/2022	"attention to appeal filing"	1.10	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit	0		
<b>Total Proposed Amount for Parrish Law Offices =</b>				<b>14.44</b>		<b>\$3,321.40</b>

## 2. Attorney's Fees Billed by Lear & Lear LLP (ECF No. 66-2 at 45-47)

Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
03/26/2021	"Prepare Motion for Admission Pro Hac Vice and proposed order and transmit to J. Pistorino."	0.80	Clerical tasks, not compensable under EAJA	0		
04/01/2021	"Revise complaint and transmit to J. Pistorino; upload revised Civil Cover Sheet, Motion Pro Hac Vice, and Complaint; telephone conference with J. Pistorino re complaint."	2.50	Improper block billing. Includes clerical tasks, not compensable under EAJA number, thus number of hours should be reduced	1.25	\$229.77	\$287.21
04/02/2021	"Assemble pleadings and transmit Civil Cover Sheet and Complaint to court for case number assignment; telephone conferences with J. Pistorino."	1.00	Improper block billing. Includes clerical tasks, not compensable under EAJA number, thus number of hours should be reduced.	0.50	\$229.77	\$114.89



Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
04/05/2021	"Transmit Civil Cover Sheet and Complaint to court clerk for case number assignment; upload and file Civil Cover Sheet, Complaint, and Motion for Admission Pro Hac Vice; telephone conferences with J. Pistorino re same."	1.50	Improper block billing. Includes clerical tasks, not compensable under EAJA number, thus number of hours should be reduced.	0.75	\$229.77	\$172.33
04/06/2021	"Prepare summonses for Becerra, M. Garland, and A. Martinez and file same; download court-signed summonses and copy of Complaint and Civil Cover Sheet for service upon same; serve process by certified mail."	1.40	Clerical tasks, not compensable under EAJA	0		
04/23/2021	"Track Becerra service of summons and confirm same."	0.10	Clerical tasks, not compensable under EAJA	0		
04/26/2021	"Prepare Motion for Admission Pro Hac Vice and proposed order and transmit to J. Pistorino."	0.80	Appears to be errant incorrect entry. Mr. Pistorino's Motion for Admission Pro Hac Vice had already been filed by this date. See ECF 3 (pro hac vice motion, filed April 5, 2021). Plus, this entry is duplicative of the entry for March 26, 2021. See above. In any event, these are clerical tasks, not compensable under EAJA.	0		
06/07/2021 - Secretary files ECF 10, confessing error, and proposing judgment in plaintiff's favor						
08/09/2021	"Zoom conference with J. Pistorino in preparation for tomorrow's court hearing."	0.90		0.09	\$229.77	\$20.68

Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
08/10/2021	"Zoom court hearing before Judge Pead re motion for order directing filing of Answer and certified admin record."	0.90		0.09	\$229.77	\$20.68
08/27/2021	"Prepare Motion to Amend Scheduling Order and file same and proposed order; telephone and email correspondence with J. Pistorino."	1.20	Improper block billing. Includes clerical tasks, not compensable under EAJA number, thus number of hours should be reduced and then only awarded at 10%.	0.06	\$229.77	\$13.79
10/05/2021	"Finalize and file Plaintiffs Reply to Motion for Summary Judgement and to Vacate; finalize and file Plaintiff's Reply to Motion for Summary Judgment on Collateral Estoppel."	2.20	Work on unsuccessful claim(s) for relief	0		
10/26/2021	"Prepare Plaintiff's Opposition to Cross-Motion and file same."	0.60	Work on unsuccessful claim(s) for relief	0		
01/07/2022 - Secretary files ECF 51, renewing confession of error, and proposing judgment in plaintiff's favor.						
01/19/2022 - Court remands case to the Secretary with directions to pay plaintiff's three Medicare reimbursement claims, denies pending summary judgment motions as moot, and enters judgment. ECF 51; ECF 52.						
01/31/2022	"Read court rules re requirement, if any, to contact the court prior to seeking a hearing on a motion to amend or alter judgement and report findings to J. Pistorino."	0.70	Work on unsuccessful claim(s) for relief	0		
02/04/2022	"Read and revise Smith's Motion to Alter and Amend Judgment and return to J. Pistorino with comments."	0.70	Work on unsuccessful claim(s) for relief	0		

Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
03/04/2022	"Prepare Unopposed Motion to Expedite Appeal and Entry of Appearance and Designation of Interested Persons, transmit to J. Pistorino for comment; transmit Application of Admission to J. Pistorino."	1.70	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit	0		
03/07/2022	"Telephone conference with J. Pistorino; revise Entry of Appearance and Unopposed Motion to Expedite Appeal and file same; serve opposing counsel via email; forward 10 <sup>th</sup> Circuit order granting motion to J. Pistorino."	1.30	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit	0		
03/10/2022	"Prepare Unopposed Motion to Stay Briefing on Attorneys Fees, proposed order, and docketing statement; file motion and order with Utah District Court; file docketing statement with Tenth Circuit; serve documents via email on opposing counsel; telephone conference with Utah District Court re filing."	1.70	Improper block billing. Includes work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit	0		
03/11/2022	"Register with Counsel Press for filing paper copies of required filings."	0.20	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit / Clerical tasks, not compensable under EAJA	0		

Date	Pl's Description	Hours Claimed	Notes	Proposed Allowable Hours	COLA-Adjusted Rate	Amount
03/14/2022	"Prepare opening appellate brief; discuss comments with J. Pistorino; prepare and file Unopposed motion to extend date for filing appeal; transmit order granting same to J. Pistorino."	1.10	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit	0		
03/15/2022	"Prepare opening appellate brief and discuss comments with J. Pistornio [sic]; upload volumes 1 and 2 of appendix to brief; file opening brief and Appendices I and II; forward court's filing confirmation to J. Pistorino."	1.30	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit / Clerical tasks, not compensable under EAJA	0		
03/18/2022	"File Corrected Appellant's [sic] Opening Brief and Appendices Vol. I and II; transmit court filing confirmations to J. Pistorino."	0.40	Work on unsuccessful claim(s) for relief / appellate fees have already been denied by Tenth Circuit / Clerical tasks, not compensable under EAJA	0		
<b>Total Proposed Amount for Lear &amp; Lear =</b>				<b>2.74</b>		<b>\$629.60</b>

**OVERALL TOTAL =**

<b>17.18 hours</b>	<b>\$3,951</b>
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